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P. 001

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**FAX COVER SHEET**

NO. OF PAGES: COVER SHEET PLUS 19 PAGE(S)

TO: Examiner GOTTSCHALK G.A.U. 3694

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DATE: June 4, 2008

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re patent application of:	)	
	)	Before the Examiner
Lawrence P. Bush	)	Martin A. Gottschalk
	)	
Serial No. 09/930,418	)	
	)	Group Art Unit 3694
Filed: August 15, 2001	)	
	)	
INSURANCE CLAIM	)	
PAYMENT CARD SYSTEM	)	February 7, 2008

REPLY BRIEF

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Dear Sir:

Appellant herewith respectfully presents a Reply Brief on Appeal as follows:

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1. REAL PARTY IN INTEREST

The real party in interest is contained in the Appeal Brief filed on March 12, 2008.

2. RELATED APPEALS AND INTERFERENCES

Appellant and the undersigned attorney are still not aware of any other appeals or interferences which will directly affect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

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3. STATUS OF CLAIMS

The status of claims is contained in the Appeal Brief filed on March 12, 2008.

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4. STATUS OF AMENDMENTS

The status of amendments is contained in the Examiner's Answer dated April 4, 2008.

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5. SUMMARY OF THE CLAIMED SUBJECT MATTER

A summary of the claimed subject matter is contained in the Appeal Brief filed March 12, 2008.

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6. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed on appeal are contained in the Appeal Brief filed March 12, 2008.

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7. REPLY ARGUMENT

In the Examiner's Answer, Examiner Gottschalk respectfully asserts that the use of individual purchase data from individuals is more controversial to use than individual demographic data as noted by *Rotman*, but that *Rotman* does not state or imply that individual purchase information could not be used or would not be useful. Furthermore, Examiner Gottschalk respectfully asserts that *Rotman* provides an example of accumulating individual purchase data that could be used for an individual card trend analysis or for a broader population trend analysis. See, Examiner's Answer at page 14, line to page 15, line 6.

The Appellant respectfully disagrees that *Rotman* does not state or imply that individual purchase information could not be used or would not be useful for an individual card trend analysis, because *Rotman* in fact discourages any type of individual card trend analysis by exclusively describing and illustrating a system and method for using aggregate payor information that IS NOT personally identifiable to any payor or payors to thereby achieve *Rotman's* objective of generating real-time market information predictions based on a broader population trend analysis that avoids any privacy concerns. In other words, *Rotman* never teaches any alternative embodiments of a system and a method that identifies individual purchase information to thereby generate real-time market information predictions based on an individual card trend analysis and such exclusion by *Rotman* is indicative of *Rotman's* recognition that the identification of individual purchase information is inappropriate as well as unnecessary to the achievement of *Rotman's* objective of generating real-time market information predictions based on a broader population trend analysis that avoids any privacy concerns.

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Specifically, as shown in FIG. 1C, *Rotman* explicitly teaches steps 144 and 146 for respectively normalizing and scaling transactional data collected during a step 142 that IS NOT personally identifiable to any payor or payors whereby real-time market information predictions based on a broader population trend analysis can be generated in a step 148. See, Rotman at paragraph [0053]-[0057]. This is further evidenced by species embodiments of step 144 shown in FIGS. 3A-3E and species embodiments of step 146 shown in FIGS. 4A-4D.

For example, *Rotman* explicitly teaches the normalization of the collected transactional data that IS NOT personally identifiable to any payor or payors based on either (1) an aggregate total dollar amount divided by an average number of accounts as shown in a step 308 of FIG. 3A, (2) an aggregate total dollar amount divided by a sum of all transactions as shown in a step 318 of FIG. 3B, (3) an aggregate total dollar amount divided by an average outstanding account balance as shown in a step 328 of FIG. 3C, or (4) an aggregate total dollar amount divided by an average outstanding account balance on a demographic basis as shown in steps 344-348 of FIG. 3D. See, Rotman at paragraphs [0062]-[0069]. *Rotman* further explicitly teaches the use of these normalizations of the collected transactional data during a step 368 shown in FIG. 3E to obtain a real-time performance prediction. See, Rotman at paragraphs [0070] and [0071].

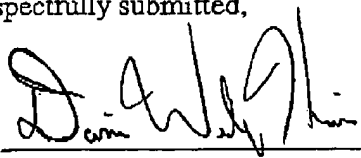
By further example, *Rotman* explicitly teaches the scaling of the normalized transactional data that IS NOT personally identifiable to any payor or payors based on either (1) the normalized transactional data divided by an average ratio of normalized results to actual revenue as shown in a steps 406-410 of FIG. 4A, (2) the use of a formulated regression equation to calculate predicted revenue as a function of normalized transactional data as shown in steps 414-420 of FIG. 4B, (3) an application of a best fit model to normalized transactional data as shown

in steps 422-430 of FIG. 4C, or (4) a use of predicted data as a function of normalized transactional data as shown in steps 440-448 of FIG. 4D. *See, Rotman* at paragraphs [0071]-[0075].

In conclusion, when properly read in its entirety, *Rotman* actually teaches away from a system that uses "individual payor information that is personally identifiable" to generate real-time information predictions to thereby fulfill a need declared by *Rotman* for using aggregate payor information that IS NOT personally identifiable to any payor or payors in the generation of real-time information predictions based on a broader population trend analysis that avoids any privacy concerns. Thus, the Appellant respectfully asserts that a person of ordinary skill in the pertinent art of insurance claim processing having an objective of performing individual card trend analysis would not have been expected to combine *APA*, *Slater* and *Rotman* in order to invent claims 1-4, 6-20 and 26-29 at the time of the invention of claims 1-4, 6-20 and 26-29. In particular, none of the techniques for normalizing and scaling collected transaction data on an aggregate basis for achieving a broader population trend analysis that avoids privacy concerns as taught by *Rotman* would have been appropriate, relevant, important or otherwise applicable to a person of ordinary skill in the pertinent art of insurance claim processing in terms of "(f) analyzing said information to determine trends in said usage of said card" as recited in independent claim 1; "(f) analyzing said organized information to determine characteristic in said usage of said card" as recited in independent claim 26; and "(f) analyzing said information on a card by card basis to determine trends in said usage of said cards" as recited in independent claim 29.

Appellant therefore respectfully submits that claims 1-4, 6-20 and 26-29 are in condition for allowance, and requests reconsideration and a speedy passage of this application to allowance.

Respectfully submitted,

By:  JUNE 4, 2008

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CLAIMS APPENDIX

1. A method for administering insurance claims, comprising the steps of:
  - (a) receiving a claim;
  - (b) determining a monetary value of said claim;
  - (c) issuing a card representing an account;
  - (d) funding said account with at least a portion of said monetary value;
  - (e) monitoring the activity of said account to obtain information regarding usage of said card; and
  - (f) analyzing said information to determine trends in said usage of said card.
2. The method according to claim 1, wherein said trends comprise purchase trends.
3. The method according to claim 1, further comprising the step of:
  - (g) analyzing said information to determine the accuracy of said determining said monetary value.
4. The method according to claim 1, wherein said card account is a debit card account.
6. The method according to claim 1, wherein said usage of said card reflects the payment of an actual repair cost of a vehicle and further comprising the step of:
  - (g) comparing said determined monetary value of said claim to said actual repair cost of said vehicle.

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7. The method according to claim 1, wherein said claim relates to an automobile accident.
8. The method according to claim 1, wherein said claim relates to medical treatment.
9. The method according to claim 1, wherein said claim relates to death benefits.
10. The method according to claim 1, wherein said claim relates to property damage.
11. The method according to claim 1, wherein said claim relates to property loss.
12. The method according to claim 1, wherein said claim relates to theft.
13. The method according to claim 1, wherein the information obtained in step (e) includes a time of usage of said card.
14. The method according to claim 1, wherein the information obtained in step (e) includes a monetary amount related to said usage of said card.
15. The method according to claim 1, wherein the information obtained in step (e) includes a place of usage of said card.

16. The method according to claim 1, wherein the information obtained in step (e) includes a time, place, and amount of each occurrence of usage of said card.
17. The method according to claim 1, further comprising the step of:
- (g) closing said account after a predetermined amount of time.
18. The method of claim 17, further comprising the step of:
- before step (g), disbursing any balance remaining in said account.
19. The method of claim 1, wherein said card account is managed by a third party claim service provider.
20. The method of claim 1 wherein said card account is managed by an insurance company.
26. A method for paying insurance claims, comprising the steps of:
- (a) receiving a claim from a third party claimant;
  - (b) determining a monetary value of said claim;
  - (c) issuing a card to said third party claimant, said card being associated with an account;
  - (d) funding said account with at least a portion of said monetary value;
  - (e) obtaining information relating to the usage of said card by said third party claimant; and



- (e) organizing said information in a database; and
- (f) analyzing said organized information to determine characteristics in said usage of said card.

27. The method according to claim 26, further comprising the steps of:

- (g) identifying statistically significant trends in said organized information; and
- (h) evaluating the accuracy of said monetary value determination.

28. The method according to claim 27, further comprising the step of:

- (i) modifying said determining said monetary value in response to said evaluated accuracy of said monetary value determination.

29. A method for administering insurance claims, comprising the steps of:

- (a) receiving a plurality of claims;
- (b) determining monetary values for each of said plurality of claims;
- (d) issuing cards representing accounts;
- (e) funding said accounts with said monetary values;
- (e) monitoring the activity of said card accounts to obtain information relating to the usage of said cards; and
- (f) analyzing said information on a card by card basis to determine trends in said usage of said cards.

EVIDENCE APPENDIX

None.

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RELATED PROCEEDINGS APPENDIX

None.

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